

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-----------------------------|---|--------------------|
| PATRICK ROBINSON, |) | |
| |) | |
| Petitioner, |) | |
| vs. |) | NO. CIV-14-0548-HE |
| |) | |
| ROBERT C. PATTON, Director, |) | |
| |) | |
| Respondent. |) | |

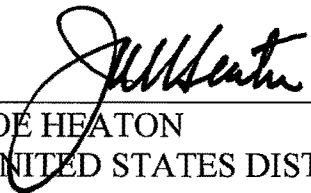
ORDER

Petitioner, a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. §2254, seeking habeas relief. The matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), who has recommended that a motion to dismiss filed by respondent be denied and petitioner's request to amend the petition to dismiss the unexhausted claim asserted in ground four be granted.

The parties, by not objecting to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation of Magistrate Judge Purcell, denies respondent's motion to dismiss [Doc. #9] and grants petitioner's request to dismiss the unexhausted claim asserted in ground three of the habeas petition. Respondent is directed to respond to the merits of petitioner's remaining three claims by September 5, 2014.

IT IS SO ORDERED.

Dated this 5th day of Aug., 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE